

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
FILE NO: 5:21-Cv-00356-D

SABARA FISHER ROBERTS, individually and as)
Administrator of the ESTATE of ADRIAN ROBERTS,)

Plaintiff,)

v.)

DEPUTY J. EVANS and SHERIFF ENNIS WRIGHT)

Defendants.)

Defendants' Motion to File
Documents Under Seal

Pursuant to Rule 7 of the Federal Rules of Civil Procedure, and Local Civil Rule 79.2 (EDNC), Defendants move the Court for an order granting leave to file under seal the documents contained in the Defendants' Appendix to the Defendants' Motion for Summary Judgment, as well as the Rule 56.1 Statement of Material Facts, filed contemporaneously with the filing of this motion to seal. As grounds for this motion Defendants submit that the documents contained in the Appendix are replete with confidential, protected information, including information which is subject to the protective orders entered in this action (DE 61; 62; 63). The information as to which the Court's determination as to whether it should be sealed includes documents that courts have found sufficiently compelling to justify closure under the First Amendment including protecting the privacy rights of trial participants such as victims or witnesses. *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607–08(1982). In addition, the documents include the records of investigation

conducted by the North Carolina State Bureau of Investigation obtained through a state court protective order as well as by virtue of this Court's protective order. The documents also include the mental health records of a veteran, which ordinarily are protected from public disclosure under 38 U.S.C § 7332 as well as the extant protective order.

Accordingly, Defendants ask the Court to consider this motion, the provisions of Local Civil Rule 79.2 (EDNC), including Section V.G of the CM/ECF Policy Manual, and the supporting memorandum filed contemporaneously with this motion to determine whether the documents referred to as Appendix in Support of Defendants' Motion for Summary Judgment and the Rule 56.1 Statement of Material Facts should be, and remain, sealed or whether the documents should not be subject to seal. Defendants ask that in the event that the Court determines that the documents should not remain sealed, that the Court grant a reasonable time for the parties to redact personal identifying or other protected documents in the Appendix before filing the documents as publically accessible documents.

Dated: February 20, 2024

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Certificate of Service

The undersigned hereby certifies that in conformity with Rule 5 of the Rules of Civil Procedure the undersigned has caused a copy of the Defendants' Motion For Leave to File Documents Under Seal to be served upon all parties entitled or required to be served, pursuant to Fed. R. Civ. P. 5 and Local Civil Rules 5.4 and 5.5, EDNC, by filing this document through electronic means in compliance with the rules, and service has been effected by electronic means through the court's transmission facilities.

Dated: February 20, 2024

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